

86<sup>th</sup> Legislative Session – 2011

Committee: Senate Commerce and Energy

Tuesday, January 25, 2011

P - Present  
E - Excused  
A - Absent

Roll Call

E Adelstein  
P Buhl  
P Johnston  
P Lederman  
P Rave  
P Nygaard, Vice-Chair  
P Nelson (Tom), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by chair, Senator Tom Nelson.

MOTION: TO APPROVE THE MINUTES OF THURSDAY, JANUARY 20, 2011

Moved by: Johnston  
Second by: Rave  
Action: Prevailed by voice vote.

SB 43: revise certain health insurance standards for patient protection.

THE CHAIR DEFERRED SB 43 UNTIL ANOTHER DAY

SB 44: revise certain provisions regarding representations and warranties in insurance and annuity applications.

Presented by: Randy Moses, Division of Insurance

MOTION: AMEND SB 44

44jc

On page 1, line 9, of the printed bill, overstrike "either".

On page 1, line 10, after "Fraudulent" insert "or an intentional misrepresentation of a material fact".

On page 2, between lines 2 and 3, insert:

"

With respect to any health insurance policy or certificate, subdivisions (2) and (3) of this section only apply to excepted benefits."

On page 2, after line 7, insert:

" Section 2. That chapter 58-11 be amended by adding thereto a NEW SECTION to read as follows:

Nothing in § 58-11-44 prohibits an insurer or an insurer's representative from:

- (1) Requesting information from an applicant for the purpose of determining that applicant's insurability; or
- (2) Underwriting an application or declining coverage based upon that applicant's failure to meet the insurer's underwriting requirements."

Moved by: Nygaard  
Second by: Lederman  
Action: Prevailed by voice vote.

MOTION: DO PASS SB 44 AS AMENDED

Moved by: Johnston  
Second by: Lederman  
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Buhl, Johnston, Lederman, Rave, Nygaard, Nelson (Tom)

Excused: Adelstein

SB 57: revise the investment fee rate for certain employers.

Presented by: Senator Ryan Maher (Handout:#1)

MOTION: DO PASS SB 57

Moved by: Rave

Second by: Lederman

Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Buhl, Johnston, Lederman, Rave, Nygaard, Nelson (Tom)

Excused: Adelstein

MOTION: ADJOURN

Moved by: Rave

Second by: Nygaard

Action: Prevailed by voice vote.

Lois Henry  
Committee Secretary

---

Tom Nelson, Chair